

NO. 5:24-CV-615-FL

Appellee.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

ORDER

This matter is before the court upon appellant's motion for leave to file an interlocutory appeal (DE 4). Appellee has filed a response in opposition. For the following reasons, the motion is denied.

Even assuming that the Bankruptcy Court's order involves a controlling question of law on which substantial ground for difference exists, appellant fail to meet his burden to show exceptional circumstances, or that an immediate appeal would advance the litigation.

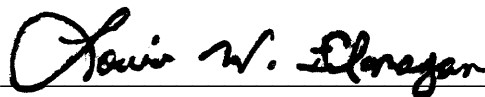
Appellant's motion asserts merely that the Bankruptcy Court's order was erroneous. He points to no circumstances or interests justifying an interlocutory appeal that could not be vindicated by an appeal in the ordinary course at the end of litigation. See Bullard, 575 U.S. at 507; In re Biltmore Invs., Ltd., 538 B.R. 706, 713 (W.D.N.C. 2015) (denying leave to maintain interlocutory appeal for, among other failures, lack of exceptional circumstances).

Finally, a separate notice of appeal from the Bankruptcy Court, from an entirely different case, appears on this case's docket in error. This court denied that separate motion for leave to mount an interlocutory appeal on December 5, 2024. (See Steinke v. Harris Ventures, Inc., No. 5:24-cv-613, DE 21 (E.D.N.C. Dec. 5, 2024)). The clerk is therefore directed to strike this document, filed in this case in error.

CONCLUSION

For the forgoing reasons, appellant's motion for leave to file an interlocutory appeal (DE 4) is DENIED. The instant appeal is DISMISSED, and the clerk is DIRECTED to STRIKE the erroneously docketed notice of appeal from another case (DE 1), and to close this case.

SO ORDERED, this the 12th day of December, 2024.



LOUISE W. FLANAGAN
United States District Judge